

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1 and 13-36. Claims 1, 13-18, 20, 22-24 and 26-36 are amended herein, and new claim 37 is added. Claims 2-12 remain cancelled. No new matter is presented.

Thus, claims 1 and 13-37 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112¶2:

Claims 1 and 13-36 were rejected under 35 U.S.C. § 112¶2 as being indefinite. Claims 1, 13-18, 20, 22-24 and 26-36 are amended herein (claims 19 and 21 depend from amended claims 18 and 20, respectively).

With respect to claim 25, Applicants respectfully submit that the indefinite recitations pointed out by the Examiner are not found in claim 25. Specifically, claim 25 recites, "a first portable device allowing an advertiser to enter and store advertising information therein and allowing the advertiser to wirelessly transmit the advertising information responsive to a request" and "a second portable device allowing a consumer to wirelessly request the advertising information stored in the first portable device and displaying the advertising information wirelessly received from the first portable device."

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1 and 13-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0094787 (Avnet).

Avnet is directed to transmitting advertisement, information and pointers to websites from a source system of the electronic broadcast billboard (EBB) to recipients having a PDA, etc. According to Avnet, a user in front of a billboard (20) receives message transmitted from the EBB (see, paragraphs 6 and 24). However, Avnet is limited to transmitting information stored at a network server (30) located at a central location to a personal hand held electronic device (16) of a user who is already at a location of the EBB (see, paragraph 26 and Fig. 2).

The Examiner points to paragraphs 14 and 16 of Avnet as teaching the claimed feature of transmitting and distributing the advertisement from a portable terminal of a user to another portable terminal of a customer.

These portions of Avnet specifically state:

"Outside a movie theatre box office is a series of posters advertising the films currently being shown inside. Each one contains an EBB transceiver. A passerby's curiosity is piqued by the poster for Eight Million Ways to Leave Your Lover, a new release which he has never heard of. This potential movie-goer pulls out his web-enabled PDA and receives a message from the EBB. Using this datum as a key, he can then browse the movie theatre's web site, starting at a custom-generated page that contains links to reviews of Eight Million Ways, a listing of show times for that evening, and whether the shows are sold out. He has the option to purchase his tickets electronically with his PDA, and if he so chooses, is provided with an e-coupon for a discount at the concession stand. Alternatively, the EBB may deliver text describing the movie, favorable reviews, even short video or audio clips directly to the PDA, which may be viewed directly on the PDA with no need to access the Internet."

(paragraph 14 of Avnet).

Jesse Santabarbara is running for public office. At a public appearance, his supporters distribute "Vote for Jesse Santabarbara" campaign buttons, each of which contains an EBB unit. Henceforth, as his supporters go about their daily routines wearing these buttons, anyone they meet can receive a message from the EBB. This message is a hyperlink to the official ElectJesseSantabarbara.org web site, where curious voters can go to learn more about Jesse, his message of governmental reform and his views on a variety of issues.

(paragraph 16 of Avnet).

As can be seen from the above discussions, these portions of Avnet do not teach or suggest "transmitting" and "distributing" the advertisement as recited in claims (see below for detailed discussion of the claimed invention). For the above-discussed reasons, Applicants respectfully submit that the Examiner has not established a priori case of anticipation. For this reason it is requested that the rejection be withdrawn.

In contrast to Avnet, the claimed invention enables advertisement information pertaining to a product to be transmitted from one user to another, thereby allowing the user to become a medium through which the advertisement of the product is communicated.

Independent claim 1, by way of example, recites "storing in a storage unit of a portable terminal device carried by a person assigned to act as an advertisement medium, advertising information about goods the person is wearing or carrying or has associated with them" and "transmitting the advertising information stored in the storage unit by a wireless signal upon receipt of a request to transmit advertising information from another portable terminal device." Accordingly, the invention of claim 1 allows "a person assigned to act as an advertisement medium" for goods by "transmitting the advertising information... upon receipt of a request to transmit advertising information from another portable terminal device."

Independent claim 13 recites, “receiving a user entry of a person wearing or carrying goods for which the person is pre-assigned to act as an advertisement medium” and “distributing the advertisement to another portable terminal device of a consumer when a request to view an advertisement is received according to advertising information transmitted from the portable terminal device of the person acting as the advertisement medium to the portable terminal device of a consumer.”

Similarly, claim 14 recites, “distributing advertising information about the goods to a portable terminal device” of one user and distributing the advertisement to “another portable terminal device of a consumer when a request to view the advertisement is received” from the portable terminal device of “the person acting as the advertisement medium.” Independent claims 15-18 and 23 recite similar features.

Claim 20 recites, “storing user-specified information and a profile about the person” and “distributing advertising information of goods for which the person is acting as the advertisement medium to a portable terminal device of the consumer when a request to view an advertisement with the user specified information and the profile of the person acting as the advertisement medium specified by the consumer is received from the portable terminal device of the consumer.” Claims 22 and 24 recite similar features.

Claim 25 recites, “a first portable device allowing an advertiser to enter and store advertising information therein and allowing the advertiser to wirelessly transmit the advertising information responsive to a request” and “a second portable device allowing a consumer to wirelessly request the advertising information stored in the first portable device and displaying the advertising information wirelessly received from the first portable device.”

Independent claim 26 recites, “receiving from a portable terminal device of a consumer via a network a reviewing request, which contains user identifying information of persons acting as advertisement medium each wearing or carrying goods to act as an advertisement medium and goods search conditions”, “finding from the storage unit, advertising information of the goods conforming to the received goods search conditions among the goods connected to the determined persons acting as advertisement medium” and “delivering the found advertising information to the portable terminal device of the consumer.” Independent claims 28, 30, 31, 33 and 35 recite similar features.

Avnet does not teach or suggest the above-discussed features of the independent claims including distributing advertisement information from a portable terminal of a person “acting as

advertisement medium” to another portable device of a consumer as disclosed by the claimed invention.

It is submitted that the independent claims are patentable over Avnet.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Avnet. The dependent claims are also independently patentable. For example, claim 21 recites, “a profile matching or similar to the profile of an advertisement medium specified by the consumer is retrieved”, “advertisement specified information stored as associated with the advertisement medium having matching or similar profile specified by the consumer is obtained” and distributed to the portable terminal device of the consumer.

Avnet does not teach or suggest the above-discussed features including “advertisement specified information stored as associated with the advertisement medium having matching or similar profile specified by the consumer is obtained” and distributed to the portable terminal device of the consumer, as recited in claim 21.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

New claim 37 has been added to recite, “storing a predetermined advertisement on a portable terminal of a first user, said predetermined advertisement being transmitted from a provider of a product.” Claim 37 further recites, “retrieving said advertisement from the portable terminal of the first user responsive to a request from a second user and transmitting said advertisement to a device of the second user” thereby “enabling the first user to provide said advertisement on behalf of the provider of the product.”

Avnet does not teach or suggest the above-discussed features of claim 37 including “storing a predetermined advertisement on a portable terminal of a first user”, “transmitting said advertisement to a device of the second user, thereby enabling the first user to provide said advertisement on behalf of the provider of the product”, as recited in claim 37.

It is submitted that new claim 37 is patentably distinguishable over Avnet.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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